

DETAILED ACTION

1. The following is a non-final, first action on the merits. Claims 1-10, as originally filed are currently pending and have been considered below.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1-3, and 5-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Miller (US 6,442,530).**

As per claim 1, Miller discloses a method for a customer operated search system to provide the location of retail products within a venue (See column 1, lines 43-48, which discusses a customer being able to enter a request for the location of a selected retail item) comprising:

providing an electronic storage device, said storage device including stored information related to retail products and information relating to the location of said retail products within the venue (See column 2, lines 19-22, which discusses in-store computer 12 as an electronic storage device which stores product locator information as well as department aisle and shelf information, and column 2, lines 25-26, and lines 28-32 discusses self-service information terminals 18 with respect to pricing and sales promotions information);

providing a computer terminal, said computer terminal being connected to a computer network wherein said computer terminal can access said electronic storage device (See column 2, lines 19-28, which discusses retail self-service terminal 18 (computer terminal) which is connected to in-store computer system 12 (electronic storage device) via COM interface 16. These items are shown in FIG. 1);

entering a query regarding a retail product on said computer terminal (See column 2, lines 55-57, which discusses a customer request for information being provided as input at one of the retail terminals utilizing said input device (See column 2, lines 32-33, which discusses a keyboard as an alternative input device);

retrieving the location data related to the queried retail product from said electronic storage device (See column 2, lines 57-59, which discusses data being extracted from the product location information 14 stored in the in-store computer system 12 to give minimal product location information); and

displaying said location data on said display device (See column 2, lines 56-57, which discusses using touch-screen display 20, to extract data).

As per claim 2, Miller discloses that stored information is stored in a computerized data base (See column 3, lines 53-58, which discusses database tables 26 extracts product location information into the database during store set-up or at any later time during store reorganization).

As per claim 3, Miller discloses that the computerized database is operated as one computer program at one location and said query is performed by a second computer at a second location via said computer network (See column 2, lines 22-27, which discusses in-store computer system 12, which typically includes product location information 14, being located at one location, retail self service terminals 18, located throughout the store (second, and other locations), where queries are made (column 2, line 32, which discusses requests being made)).

As per claim 5, Miller discloses a system for facilitating a customer operated search to provide the location of retail products within a venue comprising:

an electronic storage device, said storage device including stored information related to retail products and information relating to the location of said retail products within the venue (See column 2, lines 19-22, which discusses in-store computer 12 as an electronic storage device which stores product locator information as well as department aisle and shelf information, and column 2, lines 25-26 discusses self-service information terminals 18 which discusses pricing and sales promotions information); and

at least one computer interface terminal, said interface terminal being connected to a computer network wherein said computer terminal can access said electronic storage device (See column 2, lines 24-34, which discusses retail self-service

terminal 18 (computer terminal) which is connected to in-store computer system 12 (electronic storage device) via COM interface 16, located throughout the store (via a network). These items are shown in FIG. 1), said computer terminal including an input device and a display device (See column 2, lines 32-34, which discusses touch screen 20 (display device), and keyboard (input device).

a customer enters a query regarding a retail product on said computer terminal (See column 2, lines 55-57, which discusses a customer request for information being provided as input at one of the retail terminals utilizing said input device (See column 2, lines 32-33, which discusses a keyboard as an input device);

said computer interface retrieves the location data related to the queried retail product from said electronic storage device (See column 2, lines 57-59, which discusses data being extracted from the product location information 14 stored in the in-store computer system 12 to give minimal product location information); and

said location data is displayed on said display device (See column 2, lines 56-57, which discusses data extraction using touch-screen display 20).

As per claim 6, Miller discloses at least one computer interface terminal (CIT) is a plurality of computer interface terminals all connected to said electronic storage device via said computer network (See column 2, lines 23-27, which discusses retail self-service information terminals 18, located throughout the store, and connected to the in-store computer system 12 (the electrical storage device) via COM interface 16).

As per claim 7, Miller discloses that stored information is stored in a computerized data base (See column 3, lines 53-58, which discusses database tables 26 extracts product location information into the database during store set-up or at any later time during store reorganization).

As per claim 8, Miller discloses that stored information is stored in a computerized data base (See column 3, lines 53-58, which discusses database tables 26 extracts product location information into the database during store set-up or at any later time during store reorganization).

As per claim 9, Miller discloses that the computerized database is operated as one computer program at one location and said query is performed by a second computer at a second location via said computer network (See column 2, lines 22-27, which discusses in-store computer system 12, which typically includes product location information 14, being located at one location, retail self service terminals 18, located throughout the store (second, and other locations), where queries are made (column 2, line 32, which discusses requests being made).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller (US 6,442,530), in view of Berstis (US 7,010,498).

As per claim 4, Miller discloses that the input device includes a keyboard (See column 2, lines 32-33, which discusses a keyboard as other input device).

However, Miller fails to explicitly disclose a computer mouse as an input device.

Berstis discloses a method of providing personal product locator on a store-owned shopping aid having a computer mouse as an input device (See column 4, line 40, which discusses the graphical pointing device 84, shown in FIG. 1A (a computer mouse)).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the computer based system and method for mapping and conveying product location of Miller to include the computer mouse as an input device as taught by Berstis in order to provide the consumer with a user friendly way of interacting with the product location system.

As per claim 10, Miller discloses that the input device includes a keyboard (See column 2, lines 32-33, which discusses a keyboard as other input device).

However, Miller fails to explicitly disclose a computer mouse as an input device.

Berstis discloses a method of providing personal product locator on a store-owned shopping aid having a computer mouse as an input device (See column 4, line 40, which discusses the graphical pointing device 84, shown in FIG. 1A (a computer mouse)).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the computer based system and method for mapping and conveying product location of Miller to include the computer mouse as an input device as taught by Berstis in order to provide the consumer with a user friendly way of interacting with the product location system.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure.

Smith, Mark S. et al. (US 5995942) discloses a store-level marketing system.

Yagasaki, Isao (US 6125353) discloses a mail server with product search Capability.

Treyz; G. Victor et al. (US 6587835) discloses a shopping assistance with handheld computing device.

Jurgens, Julie Cathryn et al. (US 6757999) discloses a retail stock locator system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney M. Henry whose telephone number is 571-270-5102. The examiner can normally be reached on Monday through Thursday from 7:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynda Jasmin can be reached on 571-270-3033. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Lynda Jasmin/
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